

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE,  
YANKTON SIOUX TRIBE; ROBERT FLYING  
HAWK; OGLALA SIOUX TRIBE,

Plaintiffs,

and

CHEYENNE RIVER SIOUX TRIBE,

Plaintiff-Intervenor,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant-Cross  
Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor-  
Cross Claimant.

Case No. 1:16-cv-1534-JEB  
(and Consolidated Case Nos. 16-cv-1796  
and 17-cv-267)

**UNITED STATES ARMY CORPS OF ENGINEERS' MOTION FOR AN ENLARGMENT  
OF PAGE LIMITS AND TO REFILE OPPOSITION TO PLAINTIFF STANDING ROCK  
SIOUX TRIBE'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Civil Rule 7, Federal Defendant United States Army Corps of Engineers hereby seeks leave: 1) for a five-page enlargement of the forty-five page limit for the Opposition to Plaintiff Standing Rock Sioux Tribe's Motion for Summary Judgment and Memorandum in Support of the Army Corps' Cross-Motion for Summary Judgment that the Corps filed on October 9, 2019; and 2) to refile a version of its brief that fully conforms to the local rules. Plaintiff Standing Rock Sioux Tribe does not oppose this motion. In support of its motion, the Corps states as follows:

1) On August 16, 2019, Plaintiffs Standing Rock, Cheyenne River, Oglala, and Yankton Sioux Tribes filed motions for summary judgment in this case. ECF Nos. 433, 434, 435, and 436.

2) Standing Rock's brief in support of its Motion for Summary Judgment was 54 pages long. ECF No. 433-2.

3) On October 9, 2019, the Corps filed its Opposition to Plaintiff Standing Rock Sioux Tribe's Motion for Summary Judgment and Memorandum in Support of the Army Corps' Cross-Motion for Summary Judgment. The majority of the text in the Corps' brief was arranged in 25-point spacing instead of double spacing as contemplated by the local rules. ECF No. 452.

4) The local rules limit opposition memoranda to 45 pages, double-spaced. LCvR 5.1(d) and 7(e).

5) A double-spaced version of the Corps' October 9, 2019 Opposition to Standing Rock's Motion for Summary Judgment would be more than 49 pages.<sup>1</sup>

6) The Corps' October 9, 2019 Opposition to Standing Rock's Motion for Summary Judgment contains multiple citations to page numbers within the brief that would be rendered inaccurate if the brief's spacing is modified.

7) The Corps seeks leave for a five-page enlargement of the Court's 45-page limit for opposition briefs so that it may file a conforming brief that adequately addresses the issues raised by Standing Rock.

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<sup>1</sup> The four briefs filed by the Plaintiff Tribes totaled 128 pages. With the proposed five-page enlargement, the Corps' four briefs would total 126 pages.

8) The Corps would need to modify the table of contents and citations to internal page numbers within its brief to maintain the accuracy of those references, but would make no other alterations to the brief.

9) Counsel for the Corps contacted counsel for the parties on October 15, 2019. Plaintiff Standing Rock and Defendant-Intervenor stated on October 15 that they do not oppose this motion. Cheyenne River, Oglala, and Yankton have not yet responded with their positions regarding this motion.

Dated: October 16, 2019

Respectfully submitted,

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Environment & Natural Resources Division

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the 16th day of October, 2019, a copy of the foregoing was filed through the Court's CM/ECF management system and electronically served on counsel of record.

/s/ Matthew Marinelli .  
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**[PROPOSED] ORDER**

THIS MATTER comes before the Court on the Corps' Motion for an Enlargement of Page Limits and to Refile its Opposition to Plaintiff Standing Rock Sioux Tribe's Motion for Summary Judgment. For good cause shown, the motion is granted.

IT IS ORDERED that the Corps may refile a substantively-identical version of its October 9, 2019 Opposition to Plaintiff Standing Rock Sioux Tribe's Motion for Summary Judgment and Memorandum in Support of the Army Corps' Cross-Motion for Summary Judgment that is up to 50 pages in length and that otherwise fully conforms to the local rules.

Dated: \_\_\_\_\_

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Hon. James E. Boasberg  
United States District Court Judge